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FREMONT UNIFIED SCHOOL DISTRICT

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUANNE HESS,

Plaintiff,

vs.

FREMONT UNIFIED SCHOOL DISTRICT,
a public entity,

Defendant.

CASE NO.: C-08-02400 JSW

NOTICE OF MOTION AND MOTION TO
STAY ACTION PENDING RESOLUTION
OF CLAIMS PENDING IN CONCURRENT
STATE ACTIONS; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT; DECLARATION OF JAMES M
MARZAN; [PROPOSED ORDER]

Date: October

Time: 9:00 a.m.

Courtroom: 2

TO PLAINTIFF, LUANNE HESS, AND TO HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **October 17, 2008**, 2008 at **9:00 a.m.** or as soon thereafter as the matter may be heard in **Courtroom 2, 17th Floor** of the above-entitled Court, located at **450 Golden Gate Avenue, San Francisco**, defendant, FREMONT UNIFIED SCHOOL DISTRICT will and hereby does move the Court to stay further proceedings in this case pending resolution of claims pending in concurrent State court actions which involve the identical parties, facts and circumstances. Grounds for the motion will be based on the court's interests in wise judicial administration to stay the action where similar state actions are pending to avoid inconsistent rulings, piecemeal litigation and conserve judicial resources.

1 This motion will be based on this notice of Motion and Motion, the Memorandum of
2 Points and Authorities filed herewith and on the Declaration of James M. Marzan in Support of the
3 Motion.

4 DATED: September 2, 2008

EDRINGTON, SCHIRMER & MURPHY

6
7 By 

James M. Marzan

Attorney for Defendant

FREMONT UNIFIED SCHOOL DISTRICT

Hess v. Fremont Unified School District – C08-02399 JSW; C08-02400 JSW; C08-02401 JSW

PROOF OF SERVICE

I am a citizen of the United States. My business address is 2300 Contra Costa Boulevard, Suite 450, Pleasant Hill, CA 94523. I am employed in the County of Contra Costa where this service occurs. I am over the age of 18 years and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On September 2, 2008, following ordinary business practice, I served the attached document(s) described as **NOTICE OF MOTION AND MOTION TO STAY ACTION PENDING RESOLUTION OF CLAIMS PENDING IN CONCURRENT STATE ACTIONS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT; DECLARATION OF JAMES M MARZAN; [PROPOSED ORDER]** on the interested parties in said action addressed as follows:

JOHN N. KITTA, Esq.
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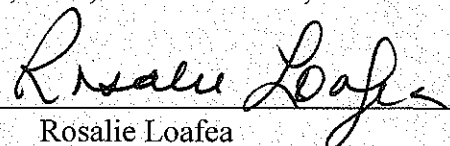
_____ (BY FACSIMILE) by transmitting via facsimile the document(s) listed above to the facsimile number(s) set forth above, or as stated on the attached service list, on this date before 5:00 p.m.

X_____ (BY MAIL) by placing a true and correct copy of the document(s) listed above enclosed in sealed envelope(s) with postage fully prepaid in the U.S. Mail at Pleasant Hill, California.

_____ (BY PERSONAL SERVICE) by placing a true and correct copy of the document(s) listed above in sealed envelope(s) and causing said envelope(s) to be delivered by hand this date to the offices of the addressee(s).

_____ (BY OVERNIGHT DELIVERY) by placing a true and correct copy of the document(s) in a sealed envelope(s) and causing said envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 2, 2008, at Pleasant Hill, California.


Rosalie Loafea